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EXAMINER

COBURN, CORBETT B

ART UNIT

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3714

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/808,914.

Applicant(s)

LIND ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,7-9 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,7-9 and 12-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-12-07</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The proposed drawing corrections will not be entered since they contain new matter. Applicant states that the support for these corrections and for the limitations in the claims requiring a separate input for an automatic daubing request is found in original Fig 9. Examiner has reviewed Fig 9 & its description in the specification. At no point in the drawing or in the specification does it appear that the player makes a separate input to request automatic daubing. Paragraphs 0057 & 0058 of the published application discuss input for automatic daubing. Paragraph 0057 states that automatic daubing is based on some player input. Paragraph 0058 states that the player input that starts automatic daubing is a request for a play. Thus the ONLY disclosure of automatic daubing input is that it is the same as the request to play the game.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2, 3, 7-9 & 12-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification (paragraph 0057) states that the automatic daubing is enabled in response to some input by the player. It does not specify that the input must be separate from the game request input.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 2, 3, 7-9 & 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Itkis (US Patent Number 4,856,787).

**Claims 15, 16, 18, 19:** Itkis teaches a gaming system for conducting bingo-type games (20). The gaming system includes a player station (7). There is a user interface (Fig 5) included with the player station that enables a player using the player station to enter a game play request for a play in a bingo-type game to initiate a game play request communication from the player station. The user interface allows enabling the player to enter an automatic daub input for the play in the bingo-type game (by selecting the Automatic Bingo option). Since the player is required to enter the bingo card identification number of those cards he wishes to play automatically, there is a separate input for auto-daubing after entry of the game play request. (Col 4, 47-54) There is a data storage device (43) for storing a matched card set that includes a number of game play records. Each game play record including a respective bingo card representation and a result indicator indicating a result of a match between the respective bingo card representation and a set of game designations. (Col 5, 15-23) Itkis teaches a back office system (1) connected for communication with the player station and also connected for communication with the data storage device. (Fig 1) The back office system assigns a

respective game play record from the matched card set to the player station in response to receiving the game play request communication. (Abstract) There is an automatic daub control for applying the set of game designations in response to the automatic daub input to automatically daub the respective bingo card representation associated with the respective game play record assigned to the player station. (Col 4, 47-54)

**Claims 2, 7, 12:** The automatic daub control is for automatically daubing multiple bingo card representations in response to the automatic daub input. The automatic daub control can daub as many cards as the player designates.

**Claims 3, 8, 13:** The user interface enables the player using the player station to manually daub at least one bingo card representation as an alternative to automatic daubing. (Col 4, 47-54) The player may manually daub as many cards as he chooses.

**Claims 9, 14, 17:** Itkis teaches a touch screen (9). (Col 4, 35-46)

### ***Response to Arguments***

6. Applicant's arguments filed 12 June 2007 have been fully considered but they are not persuasive.

7. With regard to Applicant's argument that Fig 9 supports a separate input for automatic daubing, Examiner found no such support in the drawings or the descriptions thereof in the specification. The only specific mention of an automatic daubing input states that the game play request serves as the automatic daubing request input. The specification is silent about a separate automatic daubing input request. Fig 9 shows that the system checks to see if automatic daubing has been selected, but it does not say when the automatic daubing input is made. Having the automatic daubing input as part of the game play request would satisfy this condition. Since the

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specification states that the automatic daubing input may be part of the game play request and is silent about the input being at any other time, a separate automatic daubing input is new matter.

8. Applicant argues that Itkis fails to teach the processor (i.e., the back office system) assigns a game play record (i.e., a bingo card) from the matched card set to the player station. Specifically, Applicant argues that a stored record of game outcomes and bingo card representations does not amount to a matched card set. Applicant discloses, in paragraph 0021 of the published application:

Each back office system 12 also preferably matches electronic bingo cards (bingo card representations) to sets of game designations, stores the matched card sets, and assigns the game play records from the matched card sets in response to player requests made through the respective gaming floor system 14.

Applicant then (in paragraph 0022) describes “game designations”:

For each game played according to the invention, designation generating component 16 produces a series or set of game designations, hereinafter referred to as a game designation set, and communicates the game designation set to the various gaming establishment components 11. In one preferred form of the invention, designation generating component 16 includes an automated ball draw system which automatically draws a desired number of balls or other objects from a group of such objects. Each object is associated with a designation so that the series of objects drawn by the device identifies or defines a game designation set.

Thus we see that a matched card set is a record of game outcomes and bingo card representations, notwithstanding Applicant’s argument to the contrary.

9. Applicant then argues that Itkis’ slave terminal must determine whether the card is a winner or a loser. Even if true, it has no bearing on the claimed subject matter. Applicant’s claims state that a game play record (i.e., a bingo card) is assigned to the player terminal from the matched game set. Itkis performs this function. Applicant’s claim is silent about which terminal processes the game.

Taken to its logical conclusion, this argument implies that the results of all bingo games are determined prior to a game play request. This is not claimed. Where it claimed, it would overcome the 102 rejection of record. Applicant is, however, referred to Richardson (US Patent Number 5,007,649) which teaches an automatic daubing system that provides cards that have results determined prior to the game play request – the “instant” or “break open” bingo discussed at Col 3, 8-20. The prior art is replete with instant bingo games.

10. Applicant the states that Itkis does not teach a player interface that enables a player to enter an automatic daubing input request separate from the game play request. Itkis teaches that the player enters the number of the cards that he wants automatically daubed. Since the cards are not assigned prior to a game play request, it would be impossible for the player to input their serial number during play request.

#### ***Information Disclosure Statement***

11. Examiner has reviewed the file & finds initialed copies of all form 1449's submitted by Applicant. If Applicant has not received copies, it should be possible to download then from PAIR. If this is not possible, please contact the Examiner for a copy of any missing forms.

#### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richardson (US Patent Number 5,007,649), Pollard (US Patent Number 5,193,815) & Camarato (US Patent Number 5,657,991) are among the myriad of patents that teach instant bingo.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/  
Primary Examiner  
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